

REMARKS

This Amendment responds to the Office Action mailed May 13, 2008 in the above-identified application. Based on the foregoing amendments and the following comments, careful reconsideration and allowance of the application are respectfully requested.

Claims 1-37 are pending in the application. Claims 11-20 and 22-36 have been withdrawn from consideration. Accordingly, claims 1-10, 21 and 37 are under consideration. By this Amendment, claims 1, 10, 21 and 37 have been amended. No new matter has been introduced.

It is noted that the Restriction Requirement mailed January 11, 2008 required restriction with respect to Group I, claims 1-10 and 37, and Group II, claims 11-20. Claims 21-36 were not addressed by the Restriction Requirement. The Restriction Requirement indicated that claim 21 links inventions I and II. In the current Office Action, claims 1-10, 21 and 37 have been examined. Clarification is respectfully requested.

The Examiner has rejected claims 1-5, 8, 10 and 37 under 35 U.S.C. §102(b) as anticipated by MacAulay (U.S. 6,483,641). Claim 6 is rejected under 35 U.S.C. §103(a) as unpatentable over MacAulay in view of Moranski et al. (U.S. 6,094,289). Claim 7 is rejected under 35 U.S.C. §103(a) as unpatentable over MacAulay in view of Sun (U.S. 6,415,068). Claim 9 is rejected under 35 U.S.C. §103(a) as unpatentable over MacAulay in view of Hosoi (U.S. 6,400,490). Claim 21 is rejected under 35 U.S.C. §103(a) as unpatentable over Holzbach (U.S. 6,795,241) in view of MacAulay. The rejections are respectfully traversed in view of the amended claims.

MacAulay discloses microscopes that have advantages in controlling the light that contacts a sample and/or that is detected emanating from a sample. The control includes selective control of the angle of illumination, the quantity of light and the location of light reaching the sample and/or detector. One or more spatial light modulators are placed in the illumination and/or detection light path of the microscope at one or both of the conjugate image plane of the aperture diaphragm of the objective lens and the conjugate image plane of the sample (column 2, lines 54-64). As shown in

Fig. 3A of MacAulay, a digital micromirror device 34 is positioned between a sample 20 and a light detector 26.

Amended claim 1 is directed to a three-dimensional image pickup apparatus comprising, in part, a plurality of light receiving elements and a plurality of light path selection elements for selecting different incoming angles of light to come to the light receiving elements at different times, wherein intensities of the light received by said light receiving elements and the corresponding different incoming angles of light selected by said light path selection elements at different times are recorded in a coordinated relationship for the individual pixels and represent a three-dimensional image.

MacAulay discloses a microscope having a detector with a plurality of elements and a spatial light modulator having a plurality of elements. However, MacAulay contains no disclosure or suggestion of a three-dimensional image pickup apparatus wherein intensities of the light received by the light receiving elements and the corresponding different incoming angles of light selected by the light path selection elements at different times are recorded in a coordinated relationship for the individual pixels and represent a three-dimensional image, as required by amended claim 1. MacAulay contains no discussion of a three-dimensional image and no disclosure or suggestion of recording light intensities and corresponding incoming angles which represent a three-dimensional image. For at least these reasons, amended claim 1 is clearly and patentably distinguished over MacAulay, and withdrawal of the rejection is respectfully requested.

Claims 2-9 depend from claim 1 and are patentable over the cited references for at least the same reasons as claim 1.

Amended claim 10 is directed to a three-dimensional image pickup apparatus comprising, in part, light intensity acquisition means and incoming angle acquisition means for acquiring corresponding incoming angle information of the received light at different incoming angles and at different times, wherein the intensity information and the corresponding incoming angle

information of the light are recorded in a coordinated relationship with each other and represent a three-dimensional image.

As discussed above, MacAulay discloses a microscope having a detector with a plurality of detection elements and a spatial light modulator with a plurality of elements. However, MacAulay contains no disclosure or suggestion of a three-dimensional image pickup apparatus wherein intensity information and corresponding incoming angle information of acquired light are recorded in a coordinated relationship with each other and represent a three-dimensional image, as required by amended claim 10. For at least these reasons, claim 10 is clearly and patentably distinguished over MacAulay, and withdrawal of the rejection is respectfully requested.

Amended claim 37 is directed to an information recording method and contains method limitations that parallel the apparatus limitations of claim 10. Amended claim 37 is clearly and patentably distinguished over MacAulay for the reasons discussed above in connection with claim 10, and withdrawal of the rejection is respectfully requested.

Amended claim 21 is directed to a three-dimensional image pickup and display apparatus comprising a light reception section and a light emission section. The light reception section includes a plurality of light receiving elements and a plurality of light path selection elements for selecting different incoming angles of light to come to said light receiving elements at different times, wherein intensities of the light received by the light receiving elements and the corresponding different incoming angles of light selected by the light path selection elements at different times are coordinated with each other for the individual pixels to form video signals that represent a three-dimensional image.

The Examiner cites Holzbach as teaching a three-dimensional image pickup and display apparatus. However, the Examiner acknowledges that Holzbach does not teach a plurality of light path selection elements for selecting an incoming angle of light to the light receiving elements, wherein intensities of the light received by the light receiving elements and the incoming angles of light selected by the light path selection elements are coordinated with each other to form video

signals. The Examiner asserts that MacAulay teaches these limitations. Applicant must respectfully disagree.

As discussed above, MacAulay does not disclose or suggest a three-dimensional image pickup apparatus wherein intensities of light received by the light receiving elements and the corresponding different incoming angles of light selected by the light path selection elements at different times are coordinated with each other for the individual pixels to form video signals that represent a three-dimensional image, as required by amended claim 21. MacAulay is unrelated to acquisition of a three-dimensional image and does not disclose or suggest light intensities and corresponding different incoming angles of light which are coordinated with each other to form video signals that represent a three-dimensional image. For at least these reasons and for the reasons discussed above, amended claim 21 is clearly and patentably distinguished over Holzbach in view of MacAulay, and withdrawal of the rejection is respectfully requested.

Based upon the above discussion, claims 1-10, 21 and 37 are in condition for allowance.

CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, the Director is hereby authorized to charge any deficiency or credit any overpayment in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 23/2825, under Docket No. S1459.70077US00.

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Respectfully submitted,

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